

it represented that the article was a concentrated vegetable food; whereas when used as directed, it was not a concentrated vegetable food nor would it supply any appreciable quantity of food. It was alleged to be misbranded further in that certain statements, designs, or devices borne on the label and contained in a circular shipped with the article, were statements, designs, and devices regarding its curative or therapeutic effects, and were false and fraudulent in that they represented that it was in whole or in part composed of or contained ingredients or medicinal agents that when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment of, among others, the following symptoms, ailments, conditions, and diseases of the human body: Low vitality, premature senility, frigidity, general weakness, run-down condition, loss of strength, mental backwardness, nervousness, neurasthenia, anemia, underweight, digestive disturbances, chronic constipation, high blood pressure, rheumatism, stomach troubles, skin diseases, women's complaints, sluggish liver, goiter, neuritis, early loss of hair, obesity, susceptibility to colds, and many other conditions.

On November 2, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$100 but suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27129. Misbranding of Kelpodine. U. S. v. Lee Kelpodine Co., Inc., John Lee Clarke, and William J. A. Bailey. Pleas of guilty. Fines, \$300. Payment of sentence suspended. (F. & D. no. 35967. Sample nos. 51619-A, 51871-A.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lee Kelpodine Co., Inc., John Lee Clarke, and William J. A. Bailey, of New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 6 and December 21, 1933, from the State of New York into the State of New Jersey of quantities of Kelpodine tablets that were misbranded. The article was labeled in part: (Bottle) "Kelpodine Pure Dehydrated Kelp (*Macrocystis Pyrifera*) A Natural Concentrated Marine Vegetable Food Accessory containing in substantial amounts Organic Mineral Elements essential to normal function of the human body. Rich in colloidal vegetable food iodine."

Analyses showed that the tablets consisted of kelp, probably *Macrocystis pyrifera*.

The article was alleged to be misbranded in that certain statements, designs, or devices appearing on the labels and in accompanying circulars were statements, designs, and devices regarding its curative or therapeutic effects that were false and fraudulent in that they represented that the article was composed of or contained ingredients or medicinal agents which when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment of, among others, the following symptoms, ailments, conditions, and diseases of the human body: Anemia, goiter, rickets, obesity, asthma, chronic constipation, arthritis, certain skin diseases, neurasthenia, gout, high blood pressure, pyorrhea, menopause disorders, menstrual disturbances, diabetes, adynamia, acidosis, dyspepsia, neuritis, lumbago, mental and physical backwardness in children, early baldness, premature senility, lack of virility, sinusitis, heart conditions of many kinds, tuberculosis, neurosis, rheumatism, sciatica, anorexia, digestive disturbances, underweight, frigidity, sterility, low vitality, fatigue, neuralgia, mental torpor, bleeding gums, asthenia, sluggish liver, myasthenia, infectious tonsillitis, nerve instability, gastric ulcers, toxic conditions, dental caries, alopecia, psoriasis, eczema, tic douloureux, enuresis, dyspnea, susceptibility to colds, and other infectious diseases.

On November 2, 1936, pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant and suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.